

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:) Case No. 14-42934-705
CHARLES D. HUTTER,) Honorable Charles E. Rendlen, III
) Chapter 7
)
Debtor.) Hearing Date: July 23, 2014
) Hearing Time: 9:30 a.m.

NOTICE OF HEARING ON MOTION TO SELL

PLEASE TAKE NOTICE that any response or objection to the Motion to Sell must be filed with the Clerk of the United States Bankruptcy Court, Thomas F. Eagleton Courthouse, 111 South 10th Street, 4th Floor, St. Louis, Missouri 63102 on or before the 16th day of July, 2014. A copy must be promptly served upon the undersigned. Failure to file a timely response may result in the Court granting the relief requested prior to the hearing date. The Motion to Sell is scheduled to be called up for hearing on July 23, 2014 at 9:30 a.m. before the Honorable Charles E. Rendlen, III, at the United States Bankruptcy Court, Thomas F. Eagleton Courthouse, 111 South 10th Street, 7th Floor, South, Courtroom, St. Louis, Missouri 63102.

MOTION TO SELL

COMES NOW David A. Sosne, the duly appointed and acting Chapter 7 Trustee in bankruptcy for the estate of Charles D. Hutter, by and through counsel, and for his Motion to Sell ("Motion"), respectfully states to this Honorable Court as follows:

1. Among the assets of the bankruptcy estate is certain real property, including a building, formerly operated by the Debtor and others as a fast food restaurant. Contained within the building are a cash register, drawer, printing machine and related register equipment (collectively, the "Register").
2. The Trustee believes that the Register is of de minimis value, particularly if sold at auction or as part of the real property. However, Trustee received a potential offer to purchase the Register, subject to inspection, from Gateway Cash Register, LLC ("Buyer") for \$250.00 to \$500.00.
3. Therefore, Trustee seeks an Order of this Court authorizing him to sell the estate's interest in the Register to Buyer on an "AS IS, WHERE IS" basis, with no representations, warranties, or guarantees, free and clear of any liens or encumbrances, pursuant to 11 U.S.C. § 363, for a sum ranging from \$250.00 to \$500.00.
4. As the sale is pursuant to 11 U.S.C. § 363, any and all liens or encumbrances on the Register shall attach to the proceeds of the sale. To the best knowledge of the Trustee, there

are no liens or encumbrances attached to the Register. To the extent any such liens or encumbrances exist, Trustee seeks authority to pay any and all validly perfected liens and encumbrances from the proceeds of sale.

5. Trustee believes the proposed terms of sale are fair and reasonable and in the best interest of the bankruptcy estate and will provide immediately available funds to the estate with minimal costs of sale.

6. Due to the minimal value of the Register, Trustee further seeks an order of this Court limiting notice of this sale to those individuals/entities receiving electronic notice in this bankruptcy estate and those listed on the certificate of service, below.

WHEREFORE, the Trustee respectfully prays that this Honorable Court enter its Order as follows: (a) authorizing the Trustee to sell the Register to Buyer for a price between \$250.00 to \$500.00, on an "AS IS, WHERE IS" basis, with no representations, warranties, or guarantees, free and clear of any liens or encumbrances, pursuant to 11 U.S.C. § 363; (b) ordering that, pursuant to 11 U.S.C. § 363, any and all liens or encumbrances on the Register shall attach to the proceeds of the sale; (c) authorizing Trustee to satisfy validly perfected liens and encumbrances from the proceeds of sale; (d) authorizing Trustee to execute such documents as is necessary to effectuate the sale of the Register; (e) limiting notice of this sale to those individuals/entities receiving electronic notice in this bankruptcy estate and those listed on the certificate of service; and (f) granting such other and further relief as is just and proper.

Respectfully submitted,
SUMMERS COMPTON WELLS LLC

Date: July 2, 2014

By: /s/ Brian J. LaFlamme
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by the electronic filing. I hereby also certify that a copy of the foregoing was served via United States Mail, first class postage prepaid, on the date of the electronic filing. The individuals and entities being served electronically or by mail are:

United States Department of Justice
U.S. Trustee's Office
111 S. 10th Street, Ste. 6353
St. Louis, MO 63102

Bernhardt W. Klippel, III
Morris and Klippel
225 S. Meramec, Ste. 1100
Clayton, MO 63105

Charles D. Hutter
15 Estates Court
Saint Louis, MO 63136

Mick J. Sanders
RE/MAX Results
820 S. Main Street, Suite 203
St. Charles, MO 63301

First Community Credit Union
15715 Manchester Rd.
Ballwin, MO 63011

Gateway Restaurant Equipment
1441 N. 2nd St.
St. Louis, MO 63102

Ocwen Loan Servicing
P.O. Box 24738
West Palm Beach, FL 33416

Date: July 2, 2014

/s/ Marquita Monroe